

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 9	Number 6	Effective Date 11/11/09	Review Date 2011
Subject RECORDS RETENTION PROTOCOL			☐ New Order ☒ Replaces G.O. 9-6 (04/11/07) E.O. 09-19 (11/11/09)
References Virginia Records and Disposition Schedule, General Schedules 2, 3, 17, 19, 23, and 29 Virginia Public Records Act, VA Code §§ 42.1-76 et seq. Richmond City Code §§ 2-1321 – 2-1326 City of Richmond Administrative Regulation 7.2 VLEPSC ADM.24.05, ADM.24.09, ADM.25.11 CALEA 82.1.1a, b, 82.1.2a-e, 82.1.3, 82.1.4, 82.1.6a-d General Order 6-2			
 _____ Chief of Police or Designee			11/11/09 _____ Date

I. PURPOSE

The Richmond Police Department generates many thousands of records each year. In order to be in compliance with state code, the Department must have a satisfactory plan to deal efficiently in the filing, retention, and disposal of these records. The purpose of this directive is to ensure that the plan is consistent in its treatment of all records and personnel assigned to maintain records in their command are cognizant of their responsibilities.

II. POLICY

The Police Department shall comply with the Virginia Public Records Act of the Code of Virginia (Section 42.1-76 et seq.) and the records and disposition schedules and procedures established by the Records Management and Imaging Services Division of the Library of Virginia. General Schedule 17 is the primary records and disposition schedule pertaining to law enforcement records. There are, however, separate schedules pertaining to administrative records (Chapter 19), Fiscal Records (Chapter 2), Personnel Records (Chapter 3), Electronic Records (Chapter 23) and Training Records (Chapter 29). The department will additionally comply with the requirements of Administrative Regulation 7.2 of the City of Richmond, dated 1 **February 2007** and subsequent approved changes.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, **and/or** disciplinary action is initiated.

IV. PROCEDURE

- A. The O-I-C of the Central Records Unit (hereinafter referred to as the Department's Records Management Officer) will be the point of contact for Department personnel regarding questions and concerns on record retention and preservation. For the purpose of this policy, all records created by the Richmond Police Department fall under state guidelines for record retention and preservation. This includes papers, letters, photographs, films, tapes, microfilm, Photostats, recordings, maps, drawings, computer disks, fiscal records of any type and any representation in computer memory. All Officers in Charge, including specialized units, shall be considered Records Coordinators. Precinct Commanders or his/her designee shall be designated as Records Coordinators for his/her precinct.
1. Each Department Records Coordinator and the Records Management Officer shall ensure that records are being maintained in accordance with the applicable general retention schedule(s).
 2. Department Records Coordinators having records that need to be destroyed will submit them to the Records Management Officer, with a written request specifying the type of records, the time period the records cover, (beginning month and year, and ending month and year) and the contact person making the request.
 3. The Records Management Officer will *submit via e-mail an executed Certificate of Records Destruction Form (State Form RM-3) to the City Records Manager at the main City Library.*
 - a. *The City Records Manager will print out and review the form for accuracy, sign the form to approve the destruction, and return the signed hard copy to the Records Management Officer.*
 - b. *The Records Management Officer will sign the form as the department's approval for destruction and refer it to the Supervisor of the Records Section of the Central Records Unit to arrange for the physical destruction of the records.*
 - c. *The Supervisor of the Records Section will contact the records destruction vendor who has the current contract with the City and schedule the pickup of the records.*
 - d. *The Supervisor of the Records Section will secure the contractor's signature on the original RM-3 form and will make a copy to retain for the department's documentation.*
 - e. *The Supervisor of the Records Section will send the original fully-executed form to the City Records Manager who will submit it to the State to complete the transaction.*
- B. Department Records Coordinators shall ensure that all records applicable to their assignment and created on or before July 1, 2006 are retained for at least the minimum time span set forth in the Records and Retention Schedule of the Commonwealth of Virginia's Archives

and Records Division before being submitted for destruction. This schedule is available online at www.lva.lib.va.us/whatwedo/records/sched_local/index.htm

- C. Per § 42.1-86.1 (B) of the Code of Virginia, Department Records Coordinators shall ensure that all records applicable to their assignment and created after July 1, 2006 are destroyed by no later than the end of the year in which the retention period expires [fiscal year for records maintained by fiscal year, calendar year for records maintained by calendar year]. Such records created after July 1, 2006 that contain social security numbers, driver's license numbers, bank account numbers, credit or debit card numbers, personal identification numbers (PIN), electronic identification codes, automated or electronic signatures or passwords shall be destroyed within six months of the expiration date of the retention period. Only one category of identifying information needs to be present in a record to make it subject to the six month destruction provision.

NOTE: Knowledge of audits, subpoenas, investigations, or litigation that may reasonably include the records, suspends any disposal or reformatting (electronic records) process until all issues are resolved.

D. Record Security:

1. The Department's Record Management Officer and team members comprised of representatives from the Central Records Unit shall be responsible for ensuring the security and retention of physical records stored in the Central Records Unit. The Records Team members will also ensure that records are maintained in compliance with federal, state and local laws and regulations.
2. Physical and Computerized Records are always available for access by authorized personnel. The Information Desk is staffed 24 hours a day, seven days a week. The public will not have access to areas where criminal justice information is handled, processed or stored.
3. Members of the Richmond Police Department have access to the Department's computer system. Each member is responsible for creating and maintaining his/her password. Information Technology provides support for the computer system, including auditing, storage and back up, and monitors system usage. The system and its programs require passwords to be changed every 45 days and as added security, will deny access to a user if the wrong password is used in 3 successive attempts to logon.

- E. The Department participates in the national Uniform Crime Reporting (UCR) and the National Incident Based Reporting System (NIBRS) programs through submission of data to the Virginia State Police. The Central Records Unit shall gather and submit crime data to these entities in accordance with the procedures established by these programs. See also General Order 6-2, Incident Based Reporting.

F. Juvenile Records Retention Protocol:

1. The Richmond Police Department will take special precautions in retaining juvenile criminal history records to ensure confidentiality regarding those records. In accordance with VA Code §16.1-301, juvenile criminal records shall be kept separate from adult criminal records.
2. All requests for juvenile records by Richmond Police Officers shall be directed to the Youth and Family Crimes Team. Juvenile records shall only be released to law enforcement officers of other jurisdictions upon court order.
3. Juvenile arrest information will be retained and disposed of in accordance with General Schedule 17 of the Records Retention Schedule. The record will be retained for 5 years after the juvenile reaches the age of majority and then destroyed in accordance with the State's Retention Schedule 17 or expunged by order of the court.

G. Records Protection and Recovery During/After Emergencies:

1. Natural disasters (hurricanes/tornadoes) and unforeseen emergencies, such as fire and broken water lines, pose the most significant risk to record preservation. Hurricanes/tornadoes, accompanied by heavy rains and high winds, have the potential of widespread damage, flooding, power outages, and major disruption of customary services. In these times of peril, it is the responsibility of all police personnel to ensure police records are safeguarded. In addition, all Precinct and Division Commanders will be knowledgeable of the location of all computer equipment and record storage areas under their command and take every precaution to protect and preserve records.
2. Once the emergency has passed, all Precinct and Division Commanders will be required to survey their area of responsibility to ascertain if any damage was done to computer equipment or stored records.
 - a. If damage to computer equipment or a stored record is apparent, Precinct and Division Commanders will notify the Department Records Management Officer immediately so an assessment of damage can be arranged.
 - b. Under no circumstances will damaged or water soaked computer equipment be turned on or operated.
 - c. Water or fire damaged paper records, taped recordings, microfilm, negatives or other similar items will be left intact until an assessment has been conducted.
 - d. The Records Management Officer will coordinate damage assessment, removal, salvage, and recovery efforts for all damaged records regardless of type or location.

- H. Refer to General Order 6-14, Digital Mobile Video Recorder System (DMVR) for policy, procedure and responsibilities of employees tasked with the installation, operation, release, storage and destruction of DMVR equipment or discs.***

V. ROLES AND ACCOUNTABILITY

A. Department Records Coordinators shall:

1. Ensure that all records applicable to their assignments and created on or before July 1, 2006 are retained for at least the minimum time span set forth in the Records and Retention Schedule of the Commonwealth of Virginia's Archives and Records Division before being submitted for destruction. This schedule is available online at www.lva.lib.va.us/whatwedo/records/sched_local/index.htm
2. Ensure that all records applicable to their assignment and created after July 1, 2006 are destroyed by no later than the end of the year in which the retention period expires [fiscal year for records maintained by fiscal year, calendar year for records maintained by calendar year]. Such records created after July 1, 2006 that contain social security numbers, driver's license numbers, bank account numbers, credit or debit card numbers, personal identification numbers (PIN), electronic identification codes, automated or electronic signatures or passwords shall be destroyed within six months of the expiration date of the retention period. Only one category of identifying information needs to be present in a record to make it subject to the six month destruction provision;
3. Submit records that need to be destroyed to the Records Management Officer, with a written request specifying the type of records, the time period the records cover, (beginning month and year, and ending month and year) and the contact person making the request; and,
4. Ensure police records are safeguarded from flood, fire, or any other hazardous situation.

B. Records Management Officer (O-I-C of the Central Records Unit) shall:

1. Ensure that records are being maintained in accordance with the applicable general retention schedule(s);
2. Serve as the point of contact for Department personnel regarding questions and concerns on record retention and preservation;
3. ***Submit via e-mail an executed Certificate of Records Destruction Form (State Form RM-3) to the City Records Manager at the main city library;***
4. ***Receive the signed hard copy of the RM-3 from the City Records Manager;***

5. ***Sign the RM-3 as the department's approval for destruction and refer it to the Supervisor of the Records Section of the Central Records Unit to arrange for the physical destruction of the records;***
 6. Coordinate damage assessment, removal, salvage, and recovery efforts for all damaged records regardless of type or location; and,
 7. Ensure the security and retention of physical records maintained in the Central Records Unit and that such records are maintained in compliance with federal, state and local laws and regulations.
- C. ***Supervisor of the Records Section of the Central Records Unit shall:***
1. ***Contact the records destruction vendor who has the current contract with the City and schedule the pickup of the records;***
 2. ***Secure the contractor's signature on the original RM-3 form and make a copy to retain for the department's documentation; and,***
 3. ***Send the original fully-executed form to the City Records Manager who will submit it to the State to complete the transaction.***
- C. Precinct and Division Commanders shall:
1. Take every precaution to protect and preserve physical and computerized records during times of peril; and,
 2. Notify the Department Records Management Officer if damage to computer equipment or stored records result from natural disasters and/or unforeseen emergencies.

VI. FORMS

Certificate of Records Destruction form (RM-3)